



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

December 21, 2021

BY ECF

Honorable Edgardo Ramos
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Mark S. Scott*, S10 17 Cr. 630 (ER)

Dear Judge Ramos:

The Government respectfully submits this letter in connection with defendant Scott's Supplemental Rule 33 Motion filed on August 13, 2021 (the "Supplemental Motion"). (*See* ECF No. 388.). The Government filed its opposition on September 10, 2021. (*See* ECF No. 412). At the request of the defense, and in order to facilitate a complete adjudication of the defense issues, the Government consented to multiple adjournments of the date by which the defense was to file a reply brief. (*See, e.g.*, ECF Nos. 413, 417, 422, 426, 428, 430). On December 15, 2021, the defense filed a reply brief in connection with the Supplemental Motion (the "Supplemental Reply"). (*See* ECF No. 433). The Supplemental Reply raises multiple issues and grounds for relief not raised in the Supplemental Motion. As a result, the Government has conferred with defense counsel regarding the submission of a sur-reply to addresses these new issues. The defense has consented to the filing of a sur-reply by the Government. Accordingly, the Government respectfully requests that the Government be permitted to file a sur-reply and that any sur-reply be filed on or before January 28, 2022. The defense requests the opportunity to file a response to the Government's sur-reply and for any response to be filed on or before February 18, 2022 (to which the Government likewise consents).

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

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CC: Defense counsel (by ECF)